

1  
EXHIBIT 3/29/07  
433

Good morning! My name is Rose LaFontise and I live in Bigfork. Thank you for this opportunity to speak with you this morning. I am very mindful of your full schedule, therefore I will be brief, but I hope when I am finished you will be compelled to support Senator Laslovich's efforts with SB 433.

First allow me to provide a little background on how I came to be here today. Twelve years ago I pled guilty to stealing \$45,000 from my employer over a 13 month period in 1993 and 1994. Typically, crimes result from addictions or environment. In fact, addictions seem to be an easy or sometimes acceptable excuse to explain away criminal behavior. However, these were not a factor in my case.

My entire life revolved around responsible people who managed their lives and finances. Yet my life was a continuous financial hell for 10 years. My first husband, for reasons unknown to me even today, did not maintain steady employment and was unable to meet his financial obligations in our marriage. I truly loved my husband and spent ten years trying to hide his shortcomings from my family, friends, and co-workers.

Once again, eviction papers were on my doorstep, utilities within days of being shut off, collection agencies calling daily, medical bills seriously delinquent, bankruptcy not an option since we had filed only a few years earlier, and my deceptions about my financial instability about to be exposed. Instead of choosing honesty and utilizing many options available to me, I chose dishonesty.

I spent weeks working up the nerve to take a one-time, "self-loan" from my employer. The desperation I felt the day I wrote the first check parallels an addict desperate for that next fix. I was shaking as I wrote the check; my heart was pounding as I left the office for lunch to

hand it over for my husband to cash. After lunch, I could hardly concentrate on the tasks at hand while I waited for his call to let me know he cashed the check. Every time the phone rang, I trembled wondering if it was the bank calling due to suspicions about the check. Despite all the fears of getting caught, I was in more fear of my financial mess being exposed and my desperation veiled my own moral conscience. I had sole signing privileges on my employer's account and I really believed I would put the money back in a couple of weeks and no one would ever find out. WRONG!!

The reality was I opened the door and step over the threshold into a world that once was so foreign to me - to one that became the source to "fix" my cash flow deficiencies. With the stroke of a pen I went from a law abiding, trustworthy citizen to a thief at 41 years of age.

Under the terms of a plea agreement, the Court sentenced my husband and me to 2 10-year sentences<sup>each</sup> in the Department of Corrections, she then suspended the sentence, but the time was to run consecutively. As stated on the record and in court documents, the length of the sentence was to allow enough time to repay the \$45,000 with interest since no one thought it could be repaid in less time. We were sentenced jointly and severally liable. I walked out of that courtroom determined to prove that my actions were an anomaly. I would not allow myself to be defined by my criminal actions, since this was something I did, not who I am. First, I had to make the victim whole; second I had to earn credibility.

Two and a half years later, my husband died unexpectedly of heart disease which left me responsible for repaying the entire restitution. As a result of his death, my payments were doubled to \$400 per month which I paid without fail. In 2006, 9 years after his death, I successfully paid all restitution with interest in a final lump sum payment.

At the time of sentencing, the court said when all restitution, fines and fees were paid “you will have the opportunity to come to court and be released from probation”. This was my tiny light at the end of the tunnel. I believed that if I did everything to prove my true worth, I would have the opportunity to put this behind me. My life would not be over because of my stupidity. Unfortunately, I was informed last month that the court does not have to honor her words spoken to me twelve years ago because there is no statute to allow for early release from probation.

I can never stress enough the shame, embarrassment, and humiliation I felt for the past 12 years. And I am definitely not proud to discuss my past behavior. However, I am proud that I proved to myself and my parents before their deaths that I am a responsible, law abiding, trustworthy, productive member of the community. While I do not like to “toot my own horn” it is important for you to know my true character.

I relocated to New Jersey in 1999 to marry a wonderful man who never judged me for my past mistakes, but rather supports me in my endeavors to put this behind me. Upon his retirement from AT&T after 31 years of employment, it was his desire to relocate to Montana. Although our story, how we came together, and returning to Montana is very entertaining, I am omitting it due to consideration of your time.

While in New Jersey, I worked for attorneys who knew my history and supported my efforts to rebuild my life, and I earned 30 credits towards my paralegal degree.

Since returning to Montana 2 ½ years ago, my husband and I have become property owners, are building a home, and have established a successful small business. My husband is a registered process server and I manage all aspects of the office.

I volunteer with jail ministry through our church, St. Matthew's in Kalispell.

For the past several years, through our church, we have "adopted" families in need at Thanksgiving and Christmas. We provide food and gifts when they would otherwise be without. This past Christmas we got to know our "adoptees" more than normally allowed and discovered they were in desperate need for a vehicle. The father is battling leukemia and his prognosis is bleak. We spoke with the General Manager of a prominent dealership in Kalispell and were able to have a vehicle donated for this family with 6 children still living at home.

I volunteered to participate in a seminar for small businesses in Kalispell sponsored by SCORE on the subject of employee theft. The attendees were intentionally kept in the dark about my background. Halfway into my presentation, I revealed my crime to overwhelming gasps by the majority including law enforcement and the county attorney's office. I believe my appearance belies what we would expect a convicted felon to look like since I have all my teeth, no strange body piercings, and I am reasonably intelligent. I offered suggestions for how they could safeguard their companies against employee theft and to expect the unexpected.

I also contacted the Kalispell literacy program after reading about their need for volunteers. When I shared my story with them they expressed great interest in having me utilize my experiences with those currently incarcerated in the County jail.

So why am I here? First, my probation officer, Craig Baker and the Regional Administrator, Tom Forsyth believe I have earned the right to be fully released from probation. It was Mr. Baker who told me about this bill as hope for my future. I researched the bills for this legislative session which led me to Senator Laslovich and ultimately here before you.

Probation is limited in what they can do because of current statute which only allows for conditional release under 46-23-1011. Mr. Baker filed for this status change last month and we still await the court's response. If approved, I only have to send a report once a year, however all other conditions of probation remain the same. This means that my civil liberties are not restored, I cannot travel outside the state without a travel permit, and I am not sure if I can ever serve on jury duty, become a notary, or registered process server. I have a once in a lifetime spiritual opportunity to meet the Pope in June 2008 at World Youth Day in Australia. However, this opportunity will not be realized as long as I remain on probation.

When does a person deserve to be rewarded for accepting responsibility for their actions, proving they have turned their life around, making the victim whole, fulfilling all the requirements of the judicial system, and becoming a responsible citizen without the encumbrance of supervision? When has an offender proven that they can now control their own life? When can the scarlet letter be removed?

This bill will give the courts the power to allow a reformed offender such as myself to be fully released from supervision if they have proven themselves to be worthy. If this bill does not become law with this session, I personally will remain on supervision until I am 65 years old. This is a full 10 years beyond having fulfilled all requirements imposed by the court and reforming my life.

I appreciate your kind attention and am willing to answer any questions you may have.